

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 20-12224
Jennifer A Lis	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto	:	Date and Time of Hearing
	:	Place of Hearing
Movant,	:	April 6, 2021 at 11:00 a.m.
vs	:	
	:	U.S. Bankruptcy Court
Jennifer A Lis	:	900 Market Street, Courtroom #4
Victoria L Gowland	:	Philadelphia, PA, 19107
	:	
William C. Miller, Esq.		
Respondents.		

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR
RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY REGARDING
THE PERSONAL PROPERTY KNOWN AS 2016 HYUNDAI TUCSON, VIN#
KM8J3CA44GU228757**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay and from the Co-Debtor Stay pursuant to 11 U.S.C. § 362, 11 U.S.C. § 1301, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On July 30, 2016, Jennifer A Lis (the "Debtor") and Victoria L Gowland (the "Co-Debtor") obtained a loan from Wells Fargo Bank N.A. d/b/a Wells Fargo Auto in the amount of \$17,842.23 for the purchase of a 2016 Hyundai Tucson VIN#KM8J3CA44GU228757 ("Collateral"). Debtor agreed to make periodic payments to Wells Fargo Bank N.A. d/b/a Wells Fargo Auto. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. On or about August 11, 2016, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Certificate of Title along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the electronic title inquiry is attached hereto as Exhibit B (the "Title").
7. Creditor believes the value of the Collateral is \$14,675.00 based upon the 2021 NADA Used Cars/Trucks value guide, a copy of which is attached hereto as Exhibit C.
8. On May 5, 2020, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
9. Post-petition payments have not been received, therefore no post-petition payment history is attached.

10. Pursuant to Debtor's Schedule C, Debtor has claimed an exemption in the amount of \$2,428.00 against the Vehicle.
11. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle.
12. Debtor has failed to make full post-petition payments in the amount of \$268.80 for 1 month and \$269.40 for the past 9 months as of February 18, 2021 and is in default in the amount of \$2,693.40.
13. As of February 18, 2021, there is currently due and owing on the Contract the outstanding secured balance of \$7,172.68, plus interest accruing thereon at the rate of 2.750% per annum. This amount is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$7,092.21
Interest	\$80.47
Escrow advance	\$0.00
Late charges	\$0.00
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$7,172.68	

14. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
15. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.
 - b. Debtor has inconsequential equity in the Collateral, and the Debtor does not need the Collateral for an effective reorganization pursuant to 11 USC § 362(d)(2). The

Collateral is valued at \$14,675.00 and Debtor owns a half interest in the Collateral with co-debtor Victoria L Gowland. Debtor's interest in the Collateral is \$7,337.50. According to Debtor's Schedule C, Debtor has claimed an exemption in the amount of \$2,428.00 in the Collateral. Considering the balance of Creditor's lien together with Debtor's claimed exemption, there is still a small amount of inconsequential equity in the Collateral. Based upon the inconsequential equity in the Collateral, Creditor asserts that the Collateral is burdensome and/or of inconsequential value and benefit to the estate.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay and the Co-Debtor Stay as it affects the interests of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Sarah E. Barngrover

Sarah E. Barngrover, Esquire (323972)

Adam B. Hall (323867)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Sarah E. Barngrover.

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Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto for Relief from the Automatic Stay and Co-Debtor Stay regarding the Personal Property known as 2016 Hyundai Tucson, VIN#KM8J3CA44GU228757 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105,
ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Jennifer A Lis, Sadek and Cooper, 1315 Walnut Street, Suite 502,
Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on
March 17, 2021:

Jennifer A Lis and Victoria L Gowland, 10211 Ambridge Place, Philadelphia, PA 19114

DATE: March 17, 2021

/s/ Sarah E. Barngrover

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